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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/577,515	05/24/2000	Muhammed A. Qureshi	Hernandez-Valencia 13-4-7	6419
7590	06/03/2004			EXAMINER NGUYEN, TOAN.D
Theodore Naccarella Synnestvedt & Lechner LLP 2600 Aramark Tower 1101 Market Street Philadelphia, PA 19107-2950			ART UNIT 2665	PAPER NUMBER 10
DATE MAILED: 06/03/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/577,515

Applicant(s)

QURESHI ET AL.

Examiner

Toan D Nguyen

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 17 March 2004.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

4) Claim(s) 1-32 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,2,10,17,18 and 26 is/are rejected.

7) Claim(s) 3-9,11-16,19-25 and 27-32 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on 17 March 2004 is: a) approved b) disapproved by the Examiner.

 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

 a) All b) Some * c) None of:

 1. Certified copies of the priority documents have been received.

 2. Certified copies of the priority documents have been received in Application No. _____.

 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

 * See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

 a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison et al. (U.S. 5,854,903) in view of Takase et al. (U.S. 5,809,012).

For claim 1, Morrison et al. disclose optimization method for routing and logical network design in multi-service networks comprising the steps of:

(1) identifying a first set of virtual pipelines for which traffic exceeds a predetermined threshold (figure 2, reference 40, col. 9 lines 47-51 and col. 9 lines 54-58).

However, Morrison et al. do not disclose:

(2) for each virtual pipeline in said set, determining a number of additional channels needed to cause said traffic through said pipeline to not exceed said predetermined threshold; and

(3) for each pipeline in said first set, assigning a corrective action and an amount of said corrective action to be taken in said peripheral networks as a function of said number of additional channels.

In an analogous art, Takase et al. disclose:

(2) for each virtual pipeline in said set (col. 7 lines 37-40), determining a number of additional channels needed to cause said traffic through said pipeline to not exceed said predetermined threshold (col. 7 lines 46-49); and

(3) for each pipeline in said first set, assigning a corrective action and an amount of said corrective action to be taken in said peripheral networks as a function of said number of additional channels (figure 45, col. 22 lines 17-20 and col. 22 lines 24-28).

One skilled in the art would have recognized determining a number of additional channels needed to cause said traffic through said pipeline to not exceed said predetermined threshold to use the teachings of Takase et al. in the system of Morrison et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the determining a number of additional channels needed to cause said traffic through said pipeline to not exceed said predetermined threshold as taught by Takase et al. in Morrison et al.'s system with the motivation being used the usual call setting procedure so that there is no need of addition of a new facility to a switching unit (col. 7 lines 52-55).

For claim 17, Morrison et al. disclose optimization method for routing and logical network design in multi-service networks comprising the steps of:

means for identifying a first set of virtual pipelines for which traffic exceeds a predetermined threshold (figure 2, reference 40, col. 9 lines 47-51 and col. 9 lines 54-58).

However, Morrison et al. do not disclose:

means for determining, for each virtual pipeline in said set, a number of additional channels needed to cause said traffic through said pipeline to not exceed said predetermined threshold; and

means for assigning, for each pipeline in said first set, a corrective action and an amount of said corrective action to be taken in said peripheral networks as a function of said number of additional channels.

In an analogous art, Takase et al. disclose:

(2) for each virtual pipeline in said set (col. 7 lines 37-40), determining a number of additional channels needed to cause said traffic through said pipeline to not exceed said predetermined threshold (col. 7 lines 46-49); and

(3) for each pipeline in said first set, assigning a corrective action and an amount of said corrective action to be taken in said peripheral networks as a function of said number of additional channels (figure 45, col. 22 lines 17-20 and col. 22 lines 24-28).

One skilled in the art would have recognized determining a number of additional channels needed to cause said traffic through said pipeline to not exceed said predetermined threshold to use the teachings of Takase et al. in the system of Morrison et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the determining a number of additional channels needed to cause said traffic through said pipeline to not exceed said predetermined threshold as taught by Takase et al. in Morrison et al.'s system with the motivation being used the usual call setting procedure so that there is no need of addition of a new facility to a switching unit (col. 7 lines 52-55).

4. Claims 2 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison et al. (U.S. 5,854,903) in view of Takase et al. (U.S. 5,809,012) further in view of Kim et al. (U.S. 6,256,310 B1).

For claims 2 and 18, Morrison et al. disclose wherein step (3) comprises each switch (figure 1, reference 130-i) in the peripheral network (figure 1, reference 110) contributing traffic to a pipeline (figure 1, reference 140-k) for which traffic exceeds said predetermined threshold (figure 2, reference 40, col. 9 lines 54-58). However, Morrison et al. do not disclose assigning a call gapping rate for each switch. In an analogous art, Kim et al. disclose assigning a call gapping rate for each switch (col. 1 lines 36-40 and col. 1 lines 53-58).

One skilled in the art would have recognized a call gapping rate to use the teachings of Kim et al. in the system of Morrison et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the call gapping rate as taught by Kim et al. in Morrison et al.'s system with the motivation being to provide maximum benefits to a network businessman, in view of a fact that service charges added is different according to the ATM transfer capabilities (col. 1 lines 40-43).

5. Claims 10 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison et al. (U.S. Patent 5,854,903) in view of Takase et al. (U.S. 5,809,012) further in view of Szentesi (U.S. Patent 5,844,886).

For claims 10 and 26, Morrison et al. do not disclose wherein said corrective action comprises rerouting calls in said peripheral networks that would so that they pass through a different pipeline in said packet-based network. In an analogous art, Szentesi discloses wherein said corrective action comprises rerouting calls in said peripheral networks that would so that

they pass through a different pipeline in said packet-based network (col. 2 lines 25-26). Szentesi discloses further wherein said corrective action comprises rerouting calls in said peripheral networks so that they pass through a different pipeline in said packet-based network (col. 2 lines 25-26 as set forth in claim 26).

One skilled in the art would have recognized rerouting calls to use the teachings of Szentesi in the system of Morrison et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the rerouting calls as taught by Szentesi in Morrison et al. with the motivation being to provide additional revenue gains over that obtainable by partially rerouting traffic away from congested network links (Abstract lines 10-12).

Allowable Subject Matter

6. Claims 3-9, 11-16, 19-25 and 27-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

Contact Information

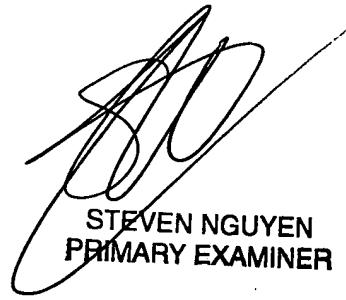
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D Nguyen whose telephone number is 703-305-0140. The examiner can normally be reached on Monday- Friday (7:00AM-4:30PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on 703-308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

TN
T.N.



STEVEN NGUYEN
PRIMARY EXAMINER